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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PENDLETON DIVISION

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OREGON FIREARMS FEDERATION,	)
INC.,	)
et al.,	)
	)Civil No.
Plaintiffs,	)2:22-cv-01815-IM
v.	)(Lead Case)
	)
KATE BROWN, et al.,	)Civil No.
	)3:22-cv-01859-IM
Defendants.	)(Trailing Case)
	)
(Continued)	)Civil No.
	)3:22-cv-01862-IM
	)(Trailing Case)
	)
	)Civil No.
	)3:22-cv-01869-IM
	)(Trailing Case)

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\* VIDEOCONFERENCE \*

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF  
EXPERT BRIAN DELAY

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Witness located in:  
Berkeley, California

\* All participants appeared via videoconference \*

DATE TAKEN: March 14, 2023

REPORTED BY: Tia B. Reidt, Washington RPR, CCR 2798  
Oregon # 22-0001

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(continued) )  
)  
MARK FITZ, et al., )  
)  
Plaintiffs, )  
v. )  
)  
ELLEN F. ROSENBLUM, et al., )  
)  
Defendants. )  

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)  
KATERINA B. EYRE, et al., )  
)  
Plaintiffs, )  
)  
v. )  
)  
ELLEN F. ROSENBLUM, et al., )  
)  
Defendants. )  

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)  
DANIEL AZZOPARDI, et al., )  
)  
Plaintiffs, )  
v. )  
)  
ELLEN F. ROSENBLUM, et al., )  
)  
Defendants. )  

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APPEARANCES

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\* \* \* \* \*

1 Q. Okay.

2 And just -- can you describe the scope of what  
3 the defense asked you to provide in terms of an  
4 opinion?

5 A. I was asked to offer my opinion about the  
6 history of high-capacity firearms, most especially in  
7 and around the time of the ratification of the Second  
8 Amendment and the Fourteenth Amendment, but more  
9 generally insofar as I needed to establish a broader  
10 context.

11 Q. So were you asked to comment at all about the  
12 portion of Measure 114 that involves the permitting  
13 system?

14 A. No, I was not.

15 Q. Okay.

16 And when you use the term "high-capacity  
17 magazine" or "high-capacity firearm," can you give me  
18 some kind of a definition of that? I see it in your  
19 declaration, but it might be helpful for this context.

20 A. Sure. So for the purposes of my declaration,  
21 I defined a high-capacity firearm as a firearm capable  
22 of firing ten or more rounds without needing to be  
23 reloaded.

24 Q. And in other venues or in other contexts, is  
25 that also called a large-capacity magazine?

## C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of Brian DeLay, having been duly sworn, on March 14, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of March, 2023.



/S/ Tia B. Reidt  
Tia B. Reidt, # 22-0001  
NOTARY PUBLIC, State of  
Washington.  
My commission expires  
5/15/2026.